IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18831 OF 2005

Dated : August 24, 2005

Between:

Pothula Verraju and two others.

Petitioners

AND

The District Collector,

East Godavari District at Kakinada and two others

Respondent

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18831 OF 2005

ORAL ORDER:

Aggrieved of the proposed action of the respondent in threatening to

demolish the residential houses hearing D. Nos. 1-212, 1-220 and 2-97 of the petitioners situated in Radheyapalem village, Rajanagaram Mandal, East Godavari District, without following due process of law, the petitioner filed this writ petition.

The case of the petitioners is that they have been living in the above residential houses constructed by their elders after obtaining necessary permission and are assessed to tax by the Gram Panchayath. It is further submitted that they are regularly paying the taxes. While so, under political pressure, the second respondent went to the village and threatened to remove a part of the structures of their houses, as space is required for road widening. It is submitted that no notice was issued to the petitioners or there was any promise of payment of compensation. As such the petitioners came up with the instant writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the houses of the petitioners, as averred in the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 24, 2005

MAS.